

May 19, 2006

Phase II Municipal Storm Water Comment□
WA Department of Ecology□
Water Quality Program□
PO Box 47696□
Olympia, WA 98504-7696

To Whom It May Concern,

Environmental Partners, Inc. (EPI), on behalf of Mr. Vic Odermat of Car Wash Enterprises, is submitting these comments on the Western Washington Municipal Permit. We do not choose to comment directly on the Western Washington Municipal Permit proposed by Ecology, but to express our disagreement with the City of Seattle comments and recommended changes to the Western Washington Municipal Permit.

Our concern is in particular with respect to: PART A: AUTHORIZED DISCHARGES & COMPLIANCE WITH STANDARDS S2. AUTHORIZED DISCHARGES – SEATTLE PROPOSED REVISION. Among other authorized discharges, Seattle has included residential car washes. The specific reasons for our concern with this inclusion and solutions implemented by other municipalities in response to this issue are listed below.

Federal Requirements and Guidance

The Clean Water Act 1977 (CWA) requires that NPDES permits for discharges from municipal separate storm sewer systems include a requirement to *effectively prohibit non-storm water discharges into the storm sewers*, and implement controls *to reduce the discharge of pollutants to the maximum extent practicable* (including management practices, control techniques, system design and engineering methods, and other provisions appropriate for the control of such pollutants).

Residential car washing represents both a non-storm water source and a discharge of pollutants. The Environmental Protection Agency (EPA) has published guidance documents to assist in the effective implementation of these requirements for municipalities. The guidance document - **Pollution Prevention/Good Housekeeping for Municipal Operation** states the following:

“Outdoor car washing has the potential to result in a high loads of nutrients, metals, and hydrocarbons during dry weather conditions in many watersheds, as the detergent-rich water used to wash the grime off our cars flows down the street and into the storm drain.”

In addition, the guidance document provides municipalities specific information on practical implementation for control measures to prevent non-storm water pollution resulting from vehicle washing.

New Toxicity Data

Section 304(a)(1) of the CWA (P.L. 95-217) requires the Administrator of the EPA to publish water quality criteria that accurately reflect the latest scientific knowledge of all identifiable effects on health and welfare that might be expected from the presence of pollutants in a body of water. In response to this requirement the EPA has completed an evaluation of nonylphenol (Attachment 1). The study examined the effects of nonylphenol exposure to organisms in salt and freshwater for a variety of vertebrates and invertebrates. Results generally show a greater sensitivity in vertebrates than invertebrates. The results for three trout species of the genus *Oncorhynchus* (rainbow trout, apache trout, and cutthroat trout) and two subspecies of the species *Oncorhynchus clarki* were tested and had LC50s ranging from 140 to 270 µg/L (Dwyer et al. 1995; Brooke 1993a). In response to the findings of this study the EPA has introduced new ambient water quality criteria for nonylphenol effective February 23, 2006. This criterion provides EPA's recommendation to states for establishment of their water quality standards as state law or regulation.

Nonylphenol is used as an intermediate for production of nonionic surfactants. Hundreds of millions of tons of nonylphenol are produced in the United States each year. The demand for nonylphenol is increasing approximately 2% annually. EPI reviewed the primary ingredients of the major residential car wash products readily available and widely used. This review showed these products contain nonylphenol-based surfactants almost without exception.

Precedent for Regulation of Fund-raising Car Washes

With respect to the requirement that reduction of pollutants is regulated "to the maximum extent possible" the prohibition of all residential car washing may not be practical. However, there are several programs in municipalities throughout the country that have successfully demonstrated that fund-raising car washes may be effectively controlled. The regulations reviewed stated that fund-raising car washes are prohibited from being held anywhere except at a commercial car wash facility. Commercial car wash facilities have the authorized means to control and treat wash water. Attachment 2 cites the regulations reviewed where fundraising vehicle car washes are forbidden.

An alternative and successful approach used in other municipalities is to require fund-raising car washes to obtain a permit if the event is to be held at any location other than a commercial carwash. The permit requires the use of a carwash kit that collects all discharge water and discharges it to the sanitary sewer for subsequent treatment. Some municipalities requiring fund-raising car wash permits are:

- Petaluma, CA,
- Killeen, TX, and
- Leesburg, FL.

Many other municipalities have responded to the federal requirements with similar ordinances, regulations, or permit requirements.

Phase II permits require storm water managers to develop a *Storm Water Management Plan*. The plan must include the following six measures to control storm water: Public Education, Public Participation, Illicit Discharge Detection & Elimination, Construction Runoff Control, Post Construction Runoff Control,

and Pollution Prevention/Good Housekeeping. This plan represents the tools required to implement the permit requirements.

The discharge from "parking lot" car washing requires regulation in accordance with the federal NPDES requirements and in consideration of the pollutant toxicities. As other municipalities have demonstrated, it is possible to regulate this discharge using the tools required in the municipal *Storm Water Management Plan*.

We hope this information is helpful in determining the final conditions for the Western Washington Municipal Permit. If you have any questions regarding these comments please do not hesitate to contact us at 425-395-0010

Sincerely,

Peggy Halferty
Senior Chemical Engineer

John Brasino
Principal Engineer

Attachments

Cc: Vic Odermat, Car Wash Enterprises